E SCANDAL TO

raordinary Grand Jury. They w, Mr. Swann said, that Inlienry as a witness before the January had given James E. many reveal any part of the minutes, and by Police Commissioner Enright

Left treatment of Inspector Henry. as snown himself unfit to be in willoffee Department," the District At- water testified, ing office forty times in the last two fair proposition, and 1 said. That is are and never mentioned Jim Smith to easy enough. Goldwater quoted Mr. Smith as want-

In Heary s district, in ten blocks north

congr Hirshfield called before him Denlaw, named in one of the Tienry affidivits as trying to negotiate with the spening of a gambling house in March, 1919. Mr. Quinn is a searcher of records

mow. Once or twice she handed it to mone Mr. Smith personally, she said, as re- "After having a few good months," ported by Mr. Hirshfield, and the other thought to appears him. I walked into

saving to you.

Salbro Pen

gold pen points.

The connection between this testimony

and the Smith-Henry charges and rent was due, and said:

counter charges is made apparent, Mr.

Hirshfield says, by the testimony of
Harry S. Goldwater, taken by the Commissioner of Accounts in Publishers, 1918. oner of Accounts in February, 1918, Hirshfield asked. when the latter was investigating the

Police Department. Goldwater, according to his testimony, told Mr. Smith ten or twelve years ago that he was in the "poker business," and that it was the "best graft of any." Mr. Smith remembered this, and after Mr. Attorney he sent for Goldwater. They sat on a bench in a courtroom where a trial was going on, Goldwater said, and on the West Side, and would give Goldwater a chance to get in. The next day they met in Mr. Smith's office.

Tell: How Club Started.

"Mr. Sni & said, or intimated," Gold-

commend that charges be made against the to have the club near his home be-spector Henry at Police Headquarters, cause it "sort of boosts me along po-t for James E. Smith, I am so im-litically." Mr. Smith, the witness said. At for James E. Smith, I am so im-pressed by his integrity that these mat-ters pass me by, like idle winds which I street, and Goldwater called it "perfec-

r. Smith said:

from top to bottom.

"Then we opened up," the Goldwater ith and three blocks east and testimony as given out by Mr. Hirshfield testimony as given out by Mr. Hirshfield. west, there are more han 200 such continues. "It was run strictly as a house. In 1919 300 arreats were made in sambling house, not political at all. We had district by the men of Inspector Mr. and a banner in had meetings there. I had a banner in house, and 200 by Chief Inspector front of the place. Jim Smith ordered policemen and did not want them to get anything on him, "knowing that our plays men over Henry's head. Night it." Mr. Smith, said Goldwater, suplast, when I was talking at Riv-Drive and Ninety-fourth street the name of the Civitas Club, dated till two men in the Police Department. June 10, 1314, and designated as offi-ted the giving me information, one of cers of the new club James E. Smith, appealed Henry's men saw me. That's as president. Henry Goldsmith, vice Lewis Hans, treasurer, and

Goldwater, steward. game but starved, although he contin-ued to send the rent money to Smith. night," the testimony continues. pinochle game and small poker games In the city's Eurean of Assessments at \$1,800 a year. He had just pronounced inspector Henry's affidavit to be fulse and and he would sue the inspector for close up a lot of these poker houses. bel when Mr. Hirshfield called him in around here and will make them all

"After the business started to show Quinn testified that Mr. Smith was never some life—it must be slack until you any efficer of the Civitas Club, and was work up a trade—we increased from the club only once. Mr Quann said he was secretary of the club and bought its furniture. A girl secretary whose name and Sundays we had three games from which revenue was considerable, espendible said that two or three times she and the Colonial Courts Building to poblic said that two or three times she want to the Criminal Courts Building to and Mr. Smith realized that business we had, and Mr. Smith realized that business was improving and several times menant envelope whose contents she did not thought that I must now be making good

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"'Here is \$100 for the rent." "How often did it happen you gave him that extra \$100?" Commissioner

sibly three times," said Goldwater. "Besides, you gave him rent through "The rent I sent him on the first,

ollection serves me right, the last money her, advising me to give same to Mcermott, as he was now president."

Dennis Quinn, Smith's brother-in-law, was a handy man around the club. a small fifty cent limit game on the poker game." first floor and got the entire receipts. sandwiches.

gambling," Goldwater said later. "At the most \$300. He was not to get all that alone for himself; he paid some regard not." They rented the first gave him additional I hinted to him was edge any disreputable houses in his disment that there were not to his knowlment that alone for himself; he paid some
tion for our business. They rented the
time. The couple of hundred dollars I
ment that alone for himself; he paid some
time for himself; he p

\$100 rent." There came two months when Smith.

and if you say it must be I will shut stein's house down. This place was open strictly for gambling. He assured me that no police-man would set his feet in that place."

The jury hopes to explore all matters counts, to investigate. Said that he has informed Mr. Hirshfield that man would set his feet in that place."

The jury hopes to explore all matters counts, to investigate. Said that he has informed Mr. Hirshfield that mind about him before he goes into he will be perfectly willing to testify in the trial an investigation on condition that the

the District Attorney's office casually losing the trade. Smith replied that the bribery and extertion. This trial may on a visit some time during the month club must be closed a short while longer start April 5. It is likely the Grand other than around the first when the and that, as it was costing Goldwater Jury will subpoen a everybody mentioned games, Smith offered to stake him if he others who might throw light on the ran short. At this time, said Goldwater, facts, including Commissioner Enristhe brother-in-law of Smith, Dennis and ex-Commissioner Arthur Woods. Quinn, was the go-between for the As-

Goldwater said that when he finally could suit him better. He added: resumed, in spite of Smith's warning, two policemen of Inspector Daly's staff came in and tood over the tables, scar- Lexow investigation of twenty-seven either by my stenographer or in per- ing the people from playing, and that just as they were about to hold a meet-Enright and Foley, which caused a disturbance, he was in fear of a comeback bluff that the club was legitimate, Denon, Goldwater said, and and resigned the presidency of the club his Quinn came in and said. "The cons he wanted to open a club in favor of Mr. McDermott. If my rec- will be pulled off." Goldwater said that ollection serves me right, the last money sure enough the telephone rang, a ser-my girl took to him he sent back with geant or Heutenant called the two plain

left and never returned. Goldwater said he gave Smith on Jan Air. Sini. Sini. o intrinsical and a silver was a silver testified. That he thought 75 per cent. For myself and 25 per cent. which he had to have for some purpose—did not say exactly he had to have it for the second that he had to have it for the second that he had to have it for the second that he had to have it for the second that he had to have it for the second that he had to have it for the second that he had to have it for the second that he had to have it for the second that he had to have it for the second that he had to have for some purpose—did not say exactly he had to have it for think exercised. The second that he had to have the second that he had to have for some purpose—did not say exactly he had to have it for think exercised. The second that he had to have for some purpose—did not say exactly he had to have it for think that is a think exercised. The second that he had to have for some purpose—did not say exactly he had to have it for think that is a think exercised. The second that he hought 75 per cent. Which he had to have for some purpose—did not say exactly he had to have for some purpose—did not say exactly he had to have it for think that is a think exercised. The second that he hought 75 per cent. Which he had to have for some purpose—did not say exactly he had to have it for think exercised. The second the club, unary 1, 1917, an umbrelia and a silver mounted cane, with the name "Clvitas" on it. They cost \$55. He also said he paid Quinn "two or three times, \$75. In paid Quin ner and had no percentage, although on it. They cost \$35. He also said he large of Manhatan, lost his fight it was understood he was to get some-

The Civitas Club disbanded May 2, 1918. paying Goldwater only for drinks and Mr. Smith said resterday it was a politleal, not a gambling club, but cheerfully were played there, "just as they are which Mayor Hylan belongs."

Foreman Almirall said: *"The Ex-

raordinary Grand Jury will most cer-

tainly take up Inspector Henry's charges against Mr. Smith, and will be ready proceed when Col. Rand is ready." William Rand, who has been an inted Deputy Attorney General to esist the Grand Jury, has for ten days. up an organization to further its work sistants, and a force of detectives and rocess servers. Other charges against Smith have been pending in the Grand felt about legislation which affected Jury for some time, notably the one that "He did not tell me why," said Gold- he shared in a fund of \$20,000 alleged ater. "I didn't ask why. I knew it to have been offered for the release of water. "I didn't ask why. I knew it to have been offered for the release of was for his interest. I said to him, I Arnold Rothstein, who was accused of

man would set his feet in that place."

mind about him before he goes into he will be perfectly willing to testify a Goldwater eliminated poker from the court to represent the State in the trial an investigation on condition that the club, but protested to Smith against of Detective Gunson, on charges of hearing is public.

When he learned last night that the sistant District Attorney and the gam- Extraordinary Grand Jury would peer

bad. This will bring it to a head. The rival in the present inquiry before it is

LOSES FIGHT FOR **POLICE PETITION**

Manhattan President's Resolution Fails With Board.

asserts has been taken away from them by orders of department heads. Mr. Curran cited the pending legislation which would make permanent the rank and grade of all men who happen to be April 1, to which, he said, the patrolme their disapproval before a committee at

Albany.

Comptroller Craig moved to file Mr. Curran's resolution of approval and it was filed with the dissenting votes only of Mr. Curran and F. H. La Guardia are the only Republicans on the Board

J. J. O'Reilly, social secretary of the policemen's and the firemen's associaon't want to do anything to hurt you, shooting a policeman in a raid on Roth- tions, whom Mayor Hylan has ordered

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